

COMMONWEALTH OF KENTUCKY
NATURAL RESOURCES & ENVIRONMENTAL PROTECTION CABINET
DEPARTMENT FOR ENVIRONMENTAL PROTECTION
DIVISION OF WATER

**APPLICATION FOR PERMIT TO CONSTRUCT ACROSS OR ALONG A STREAM
AND / OR WATER QUALITY CERTIFICATION**

Chapter 151 of the Kentucky Revised Statutes requires approval from the Division of Water prior to any construction or other activity in or along a stream that could in any way obstruct flood flows or adversely impact water quality. If the project involves work in a stream, such as bank stabilization, dredging or relocation, you will also need to obtain a 401 Water Quality Certification (WQC) from the Division of Water. This completed form will be forwarded to the Water Quality Branch for WQC processing. The project may not start until all necessary approvals are received from the KDOW. For questions concerning the WQC process, contact the WQC section at 502/564-3410.

If the project will disturb more than 1 acre of soil, you will also need to complete the attached Notice of Intent for Storm Water Discharges, and return both forms to the Floodplain management Section of the KDOW. This general permit will require you to create an implement an erosion control plan for the project.

1. OWNER: Gordon Weightman, Four Rivers BioEnergy Company 19113
Give name of person(s), company, governmental unit, or other owner of proposed project.
MAILING ADDRESS: 1637 Shar-Cal Road, P.O. Box 1056, Calvert City, KY 42029

TELEPHONE #: 270-395-0173 EMAIL: gordonweightman@riv4ers.com
2. AGENT: Gina Morris
Give name of person(s) submitting application, if other than owner.
ADDRESS: Third Rock Consultants, LLC, 2526 Regency Road, Suite 180, Lexington, KY 40503
TELEPHONE #: 859-977-2000 EMAIL: gmorris@thirdrockconsultants.com
3. ENGINEER: Kenny McDaniel, Geotech Engineers P.E. NUMBER: 21911
TELEPHONE #: 270-443-1995 EMAIL: kmcdaniel@geotechengineers.net
4. DESCRIPTION OF CONSTRUCTION: The proposed project is to develop a biodiesel plant with a liquids barge unloading/loading facility. The project involves the construction of a biodiesel processing plant, three 10" liquids pipelines (soybean oil, methanol, diesel) to/from the plant to a barge mooring structure near the left bank of the Tennessee River. The pipelines will be accessed by barges using a 20' diameter mooring cell and a 72" diameter braced dolphin. The attached plan sheets include a cross section of the river profile at the proposed mooring structure as well as aerial plan view showing the liquids pipeline, barge offloading and biodiesel plant.

The proposed pipelines will cross through wetlands. These pipelines will be placed underground, requiring the excavation and refilling of portions (approx. 0.08 acres) of wetlands at the pipeline location. Because the pipes will be buried, and the surface topography reestablished, these wetland impacts will be temporary. Minimal impacts to the bed of the Tennessee River are expected by the placement of the mooring cell and braced dolphin. No other stream impacts will occur.
5. COUNTY: Marshall NEAREST COMMUNITY: Calvert City
6. USGS QUAD NAME; Little Cypress LATITUDE/LONGITUDE: 37.05 88.41
7. STREAM NAME: Tennessee River and wetland connected to an unnamed trib to Cypress Creek. WATERSHED SIZE (in acres): The watershed upstream of the wetland is 53 acres. The Tennessee River drains hundreds of square miles.
8. LINEAR FEET OF STREAM IMPACTED: No stream impacts other than mooring structures in TN river
9. DIRECTIONS TO SITE: From I-24 exit 27 at Calvert City, travel west on KY 62 for approximately 1.6 mile, turn right onto KY 95 and travel approximately 3.2 miles. Turn left onto Industrial Parkway and travel approximately 1.5 mile. Turn right onto Shar-Cal Road and travel approximately 1.6 mile to arrive at the project area.

0. IS ANY PORTION OF THE REQUESTED PROJECT NOW COMPLETE? ☐ Yes ☒ No If yes, identify the completed portion on the drawings you submit and indicate the date activity was completed. DATE: _____
11. ESTIMATED BEGIN CONSTRUCTION DATE: Upon permit approval
12. ESTIMATED END CONSTRUCTION DATE: 6 months
13. HAS A PERMIT BEEN RECEIVED FROM THE US ARMY, CORPS of ENGINEERS? ☐ Yes ☒ No If yes, attach a copy of that permit. (USACE Permit Application is being submitted concurrently with this application.)
14. THE APPLICANT *MUST* ADDRESS PUBLIC NOTICE:
- (a) PUBLIC NOTICE HAS BEEN GIVEN FOR THIS PROPOSAL BY THE FOLLOWING MEANS:
- ____ Public notice in newspaper having greatest circulation in area (provide newspaper clipping or affidavit)
- ____ Adjacent property owner(s) affidavits (Contact Division of Water for requirements.)
- (b) X I REQUEST WAIVER OF PUBLIC NOTICE BECAUSE:
- Flooding impacts will be negligible
- ____ Contact Division of Water for requirements.
15. I HAVE CONTACTED THE FOLLOWING CITY OR COUNTY OFFICIALS CONCERNING THIS PROJECT:
- Calvert City Administrator John Ward, Chairman of Marshall County/Calvert City Riverport Authority Bill Butler, Judge Executive Mike Miller, and Calvert City Mayor Lynn Jones.
- Give name and title of person(s) contacted and provide copy of any approval city or county may have issued.
16. LIST OF ATTACHMENTS: Aerial photo and topographic map showing project location and wetlands, Cross Section of River Profile and Mooring Structure, Plan view of project area
- List plans, profiles, or other drawings and data submitted. Attach a copy of a 7.5 minute USGS topographic map clearly showing the project location.
17. I, Gordon Weightman (owner) CERTIFY THAT THE OWNER OWNS OR HAS EASEMENT RIGHTS ON ALL PROPERTY ON WHICH THIS PROJECT WILL BE LOCATED OR ON WHICH RELATED CONSTRUCTION WILL OCCUR (for dams, this includes the area that would be impounded during the design flood).
18. REMARKS: _____
- _____
- _____
- _____

I hereby request approval for construction across or along a stream as described in this application and any accompanying documents. To the best of my knowledge, all the information provided is true and correct.

SIGNATURE: _____

Owner or Agent sign here. (If signed by Agent, a Power of Attorney should be attached.)

DATE: December 8th 2008

SIGNATURE OF LOCAL FLOODPLAIN COORDINATOR: _____

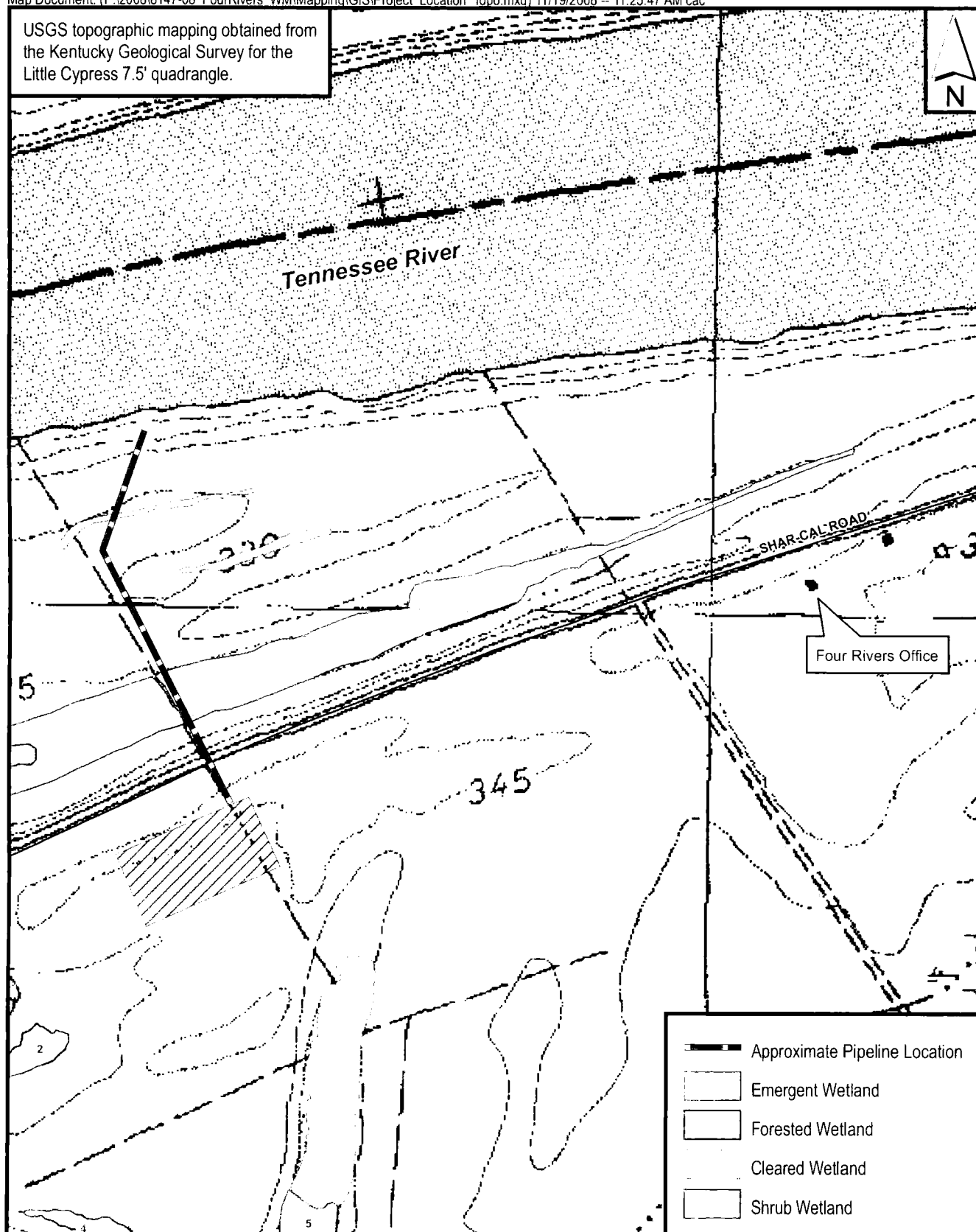
Permit application will be returned to applicant if not properly endorsed by the local floodplain coordinator.






DATE: 12-8-2008

SUBMIT APPLICATION AND ATTACHMENTS TO:

Floodplain Management Section
Division of Water
14 Reilly Road
Frankfort, KY 40601

USGS topographic mapping obtained from the Kentucky Geological Survey for the Little Cypress 7.5' quadrangle.

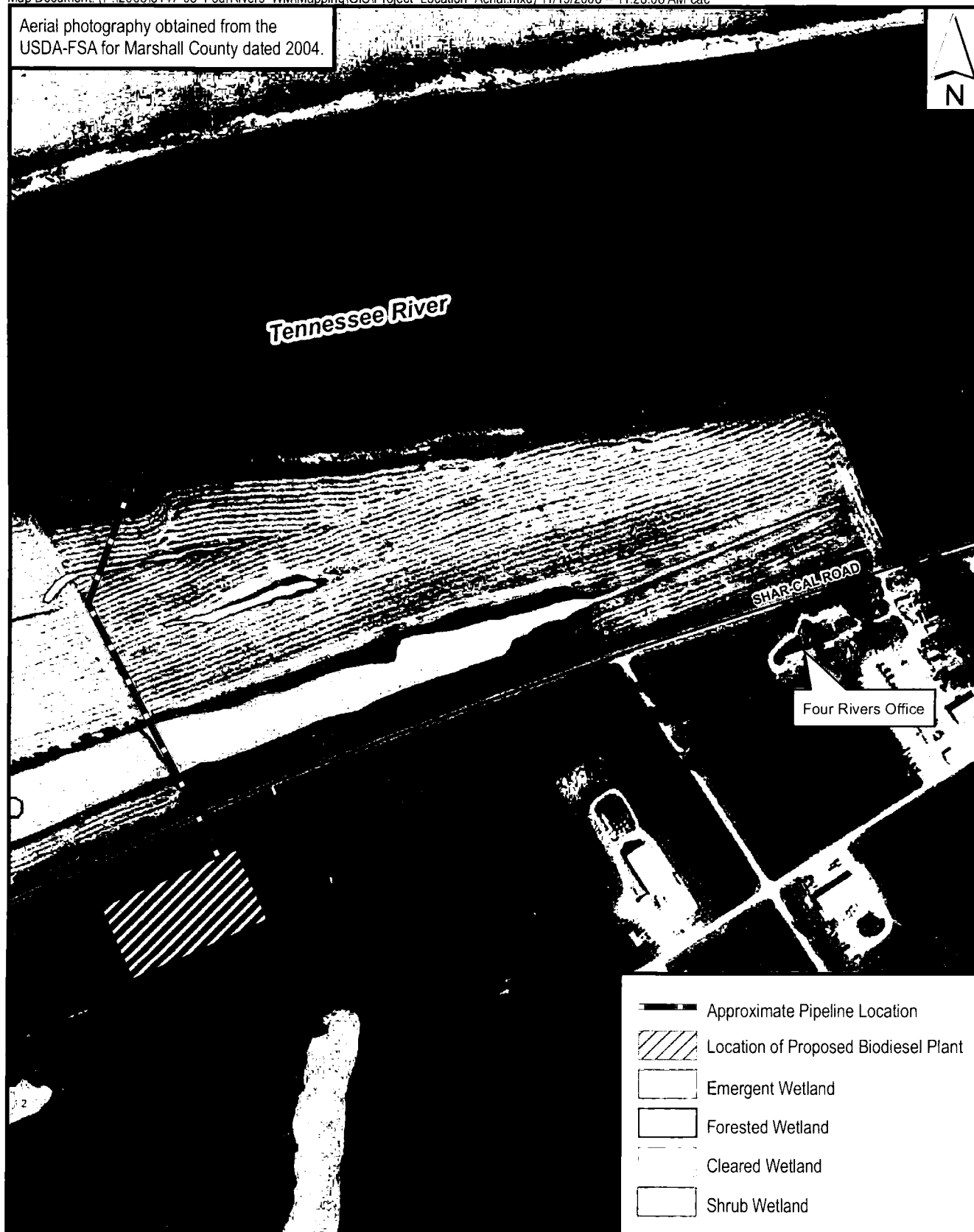


-  Approximate Pipeline Location
-  Emergent Wetland
-  Forested Wetland
-  Cleared Wetland
-  Shrub Wetland

600 300 0 600
Feet

Project Location
Four Rivers BioEnergy Company, Inc.
Proposed Biodiesel Plant and
Liquids Barge Unloading/Loading Facility
Marshall County, Kentucky

Aerial photography obtained from the
USDA-FSA for Marshall County dated 2004.

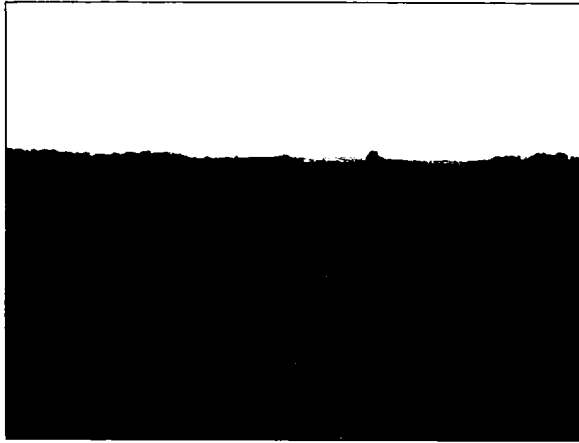


600 300 0 600
Feet

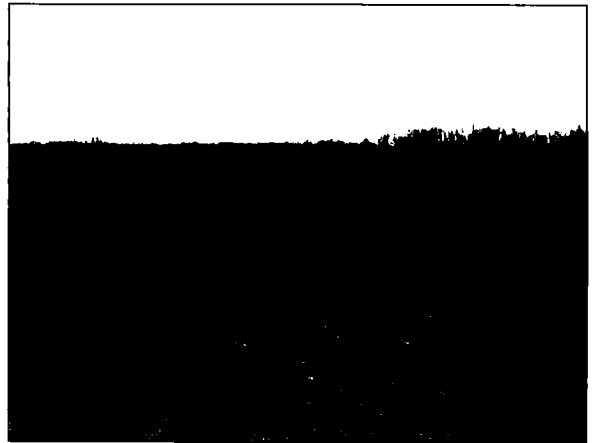
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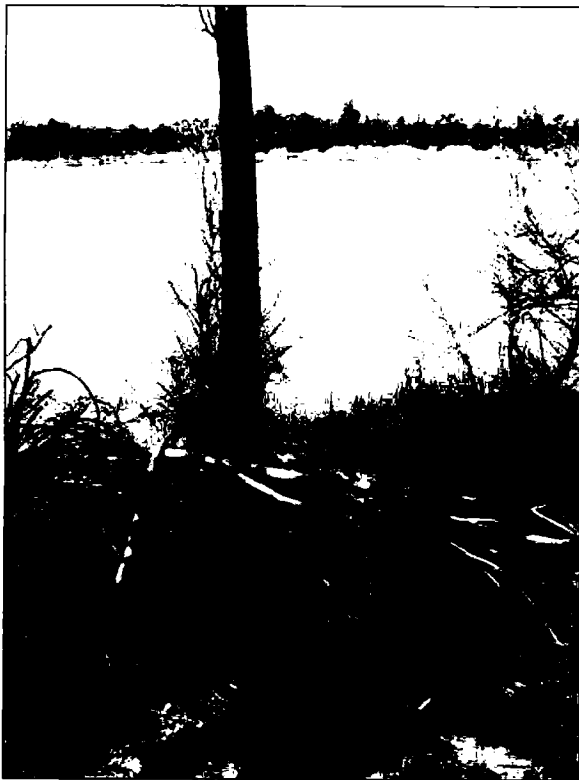
2



*Emergent Wetland in Soybean Field Near Bank of
River at Proposed Pipelines*



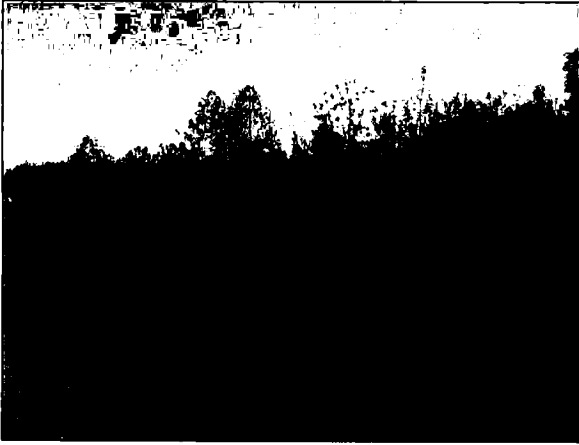
*Field Near Tennessee River at Location of
Proposed Pipeline*



*Tennessee River at Proposed Barge Mooring
Location*



Scrub-shrub Wetland at Proposed Pipelines



Scrub-shrub Wetland at Proposed Pipeline



Upland Location of Proposed Processing Plant



December 9, 2008



Joyce Fry
Kentucky Division of Water
200 Fair Oaks Lane
Frankfort, KY 40601

Re: *Permit Application*
Four Rivers BioEnergy Site, Marshall County, Kentucky

Dear Ms. Fry,

Enclosed is the permit application for the pipeline from the river to the proposed Four Rivers facility that will be constructed on the south side of Shar-Cal Road. This is the only construction planned for this site in the near future. Please let me know if you need additional information.

Sincerely,

A handwritten signature in cursive script that reads "Gina Morris".

Gina Morris
gmmorris@thirdrockconsultants.com

Enclosure